



Salem City School District

51 New Market Street
Salem, New Jersey 08079
Telephone 856-935-3800 Fax 856-935-6977

Richard R. Rhau
Superintendent

Margaret J. Nicolosi
Assistant Superintendent for Finance
Board Secretary

Gary Goldberg
Director of Curriculum & Instruction

Margaret M. McBride
Director of Programs & Projects

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OCT 18 2001

FCC MAIL ROOM

October 17, 2001

Federal Communications Commission
Office of the Secretary
445 - 12th Street, S.W.
Room TW-A325
Washington, DC 20554

Dear Sirs:

In the matter of: Request for Review by Salem City School District of Decision of Universal Service Administrator

Referencing: FCC Docket Nos. 97-21 and 96-45.

We are requesting review of an administrator's decision communicated to us in a letter dated September 21, 2001 by the Schools and Libraries Division of the Universal Service Administrative Company. In that decision, the administrator denied an appeal to the SLD for funding of two funding requests.

This letter requesting a review of that decision is submitted in accordance with § 54.719 and in keeping with the timeframes indicated in § 54.720.

The specific funding request we are appealing in this correspondence is indicated in detail below.

| | |
|------------------------------|---------------------|
| FRN: | 176430 |
| Form 471 Application Number: | 122004 |
| Entity Number: | 123270 |
| Service Provider Name: | Lucent Technologies |
| SPIN: | 143005201 |
| Contract Number: | a81227 |

In that decision, the communication indicated the basis of the denial of the appeal as:

"We have no record of you submitting an invoice within the required timeframe."

With regard to the funding request detailed above, the process involved the submission of a Form 486. This form does not request from the school or library entity requesting funding the submission of an invoice with the Form 486 submission.

- The requirements involved in submission of the Form 486 are found on the SLD website at the address: <http://www.sl.universalservice.org/data/ppt/Form%20486%20Step-by-Step.ppt>.
- Furthermore, a review of an actual Form 486 does not reveal any indications of the need to submit an invoice with the form.

No. of Copies rec'd 0
List A B C D E

- Additionally, when we have submitted other Forms 486, no invoice has been concurrently submitted from us and yet funding has been approved.
- Finally, in the original denial of funding communicated by the SLD, which prompted our appeal, there was no indication of any issue involving the submission of an invoice causing the denial of funding.

Typically, in Form 486 processes, the invoice is submitted by the vendor. The subsequent funding, then, goes directly to the vendor.

Therefore, we are at a complete loss to understand the basis for a denial of funding in a Form 486 related funding request to come as a result of our failure to submit an invoice. However, in the interest of expediting a decision, we have enclosed a copy of the original invoice we received from the vendor for this funding request.

We have also enclosed the following to enhance the information include in determining the outcome of this appeal:

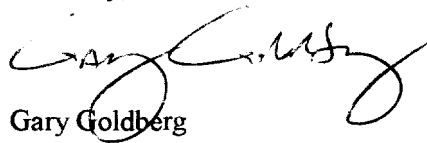
- A copy of the letter from SLD denying the appeal,
- A copy of the portfolio of documentation provided by us to the SLD in our appeal of the original denial of funding by the SLD.

In some of the documentation listed above, you will find evidence of my personal frustration in dealing with the SLD. I have confidence that somewhere people have quick, competent, and successful interactions and responses from that organization. When I encounter personal evidence of it, I will be heartened.

Since receiving the letter from the SLD communicating their denial of our appeal, I have made a number of attempts to contact by telephone someone concerning this matter. Early, I received a message from someone named Ed at telephone number 973-884-8368. Following a handful of return calls and some voice messages left, I have received no further response. That is the reason for the late date of submission for this appeal.

We ask for this administrator's decision to be reversed for the specific funding request indicated above.

Sincerely,



Gary Goldberg

ONETIME INVOICE

AVAYA INC.
NEW JERSEY SBD
5 WOOD HOLLOW RD. 2ND FLR.
PARSIPPANY NJ 07054-2899

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AVAYA
communication

The Former Enterprise Networks
Group of
Lucent Technologies

Return Service Requested

Account Number: 0024-450-3819
Invoice Number: 0211493891
Invoice Date: 10-06-00



SALEM CITY BOARD OF EDUCATION
51 NEW MARKET STREET
SALEM NJ 08079

For billing inquiries: 1-800-247-7000
To place an order: 1-800-247-7000

Simon 10/16 4:10 (date)

| | | | | |
|--------------------------|--|------------------------------------|-------------------------------------|---------------------|
| New Charges | | Purchases: | \$116,000.00 | |
| | | One-Time Charges/Credits: | \$ 0.00 | |
| | | Total New Charges: | | \$116,000.00 |
| | | Federal Excise Tax: | \$ 0.00 | |
| | | State/Local Taxes: | \$ 6,960.00 | |
| | | Total Taxes on New Charges: | | \$ 6,960.00 |
| | | | Total New Charges and Taxes: | \$122,960.00 |
| Remittance Amount | | | | \$122,960.00 |
| | | Total Payable Upon Receipt: | | \$122,960.00 |
| | | | | |

513 768 5933

To ensure proper credit, please detach this portion and return with remittance.

Remittance Document

SALEM CITY BOARD OF EDUCATION
51 NEW MARKET STREET
SALEM NJ 08079

AVAYA
communication

The Former Enterprise Networks
Group of
Lucent Technologies

Address Correction: Please make checks payable to:

AVAYA INC.
P.O. BOX 9001077
LOUISVILLE, KY 40290-1077

Branch Office: GBSBDC1
Telephone Number: 1-800-247-7000
Account Number: 0024-450-3819
Invoice Number: 0211493891
Invoice Date: 10-06-00

Amount Due: **\$122,960.00**

Amount Enclosed:

PLEASE FORWARD ALL CORRESPONDENCE TO THE ADDRESS LOCATED AT THE TOP OF THE INVOICE.

00000000 00244503819 0211493891 001105 0012296000



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Invoice Deadline Exception Request

September 21, 2001

Gary Goldberg
Salem City School District
51 New Market Street
Salem, NJ 08079

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Re: SLD Invoice #: 122004 BEAR or SPI: Blank
SLD Line #: Blank Invoice Date: Blank
Vendor Invoice #: Blank
471 Application Number: 122004
Funding Request Number(s): 176430, 175441
Your Correspondence Dated: July 10, 2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your deadline exception request of SLD's Invoice Decision for the Invoice Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 30-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your request included more than one Invoice Number, please note that for each Invoice for which a request is submitted, a separate letter is sent.

Invoice Number: 122004 Line Blank
Decision on Appeal: **Denied in full**
Explanation:

No invoice submitted. FCC rules require that all payments be made by the end of the first calendar quarter following the end of the funding year. We have no record of you submitting an invoice within the required timeframe.

FCC REVIEW OF THE ADMINISTRATOR'S DECISION

If you believe there is a basis for further examination of your request, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted on the website at <www.universalservice.org>. **You must file your appeal with the FCC no later than 30 days from the date on this letter for your appeal to be filed in a timely fashion.**

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Salem City School District

51 New Market Street
Salem, New Jersey 08079
Telephone 856-935-3800 Fax 856-935-6977

Richard R. Rhau
Superintendent

Margaret J. Nicolosi
*Assistant Superintendent for Finance
Board Secretary*

Gary Goldberg
Director of Curriculum & Instruction

Margaret M. McBride
Director of Programs & Projects

July 10, 2001

Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Dear Sirs:

I am writing in regard to your letter dated July 5, 2001 and received here July 9, 2001 providing a notice of intent to cancel funding for three funding requests for the 1999-2000 school year. Those funding requests are:

- | | | |
|-----|------------------------------|----------------------------------|
| #1. | FRN: | 176429 |
| | Form 471 Application Number: | 122004 |
| | Entity Number: | 123270 |
| | Service Provider Name: | Computer Integrated Services |
| | SPIN: | 143006786 |
| | Contract Number: | ciser001009 |
| | | |
| #2. | FRN: | 175441 |
| | Form 471 Application Number: | 122004 |
| | Entity Number: | 123270 |
| | Service Provider Name: | Bell Atlantic – New Jersey, Inc. |
| | SPIN: | 143001362 |
| | Contract Number: | T |
| | | |
| #3. | FRN: | 176430 |
| | Form 471 Application Number: | 122004 |
| | Entity Number: | 123270 |
| | Service Provider Name: | Lucent Technologies |
| | SPIN: | 143005201 |
| | Contract Number: | a81227 |

This letter to you provides notice to you of our desire to appeal the decision on funding requests #2 and #3. This letter is that appeal.

As you will see in the enclosed letter dated January 25, 2001, we had already communicated to your organization our desire to relinquish funds associated with FRN 176429 – Computer Integrated Services. We were able to accomplish those services ourselves, thus saving the SLD funds devoted to that initiative.

Our narrative for the **appeals** are contained in the following pages.

FRN 176430 – Lucent Technologies

In your letter of cancellation, the reasons for the cancellation are stated. This letter to you will respond, on this page, to each of those reasons regarding the project referenced above for Lucent Technologies.

- *No extension has been granted to the September 30, 2000 deadline for receipt of non-recurring services;*
 - No extension was requested. All work was completed by September 29, 2000.
- *There has been no Form 486 filed by the deadline of February 15, 2001;*
 - This is an erroneous statement. In fact, in all, three copies of the 486 have been submitted.
 - The first was submitted as the original 486 Form on **October 4, 2000** – five days after the completion of the project. Please find enclosed the cover letter for that submission.
 - The second copy was submitted on **January 25, 2001** after we received a letter from your organization informing us there was no record of our 486 Form for the Avaya project. Please find enclosed the cover letter for that resubmission.
 - This submission was received by your organization because we subsequently received a letter from you complaining that our copy of the submission from October didn't contain an original signature. Even though the cover letter clearly stated that submission was a copy of the previous submission, we submitted a new form with the requisite original signature, replicating the date from October 4, 2001 using the same cover letter and date.
 - In the days just preceding April 10, 2001, I received communication from both Dell and Avaya that your organization was saying there was no record of us submitting a 486 Form for either project.
 - Avaya- As stated above, we submitted forms on October 4, 2000 and January 25, 2001
 - Dell – We submitted forms in December 1999 and again near July 2000, after a prompt from a Dell representative telling us your organization had no record of our 486 Form submission.
 - ✧ The Dell 486 Form was submitted, in December 1999, under the same cover as one for our Ameristar Project. It appears the Ameristar form was received, processed, and funded in that first attempt, since there is no cancellation notice from you for that project.
 - On **April 10, 2001**, we resubmitted both 486 Forms to your organization in the same envelope but with different cover letters attached to each. A copy of those cover letters for the third resubmission of each are enclosed. It appears the Dell submission was received and processed, since there is no cancellation communication regarding that funding. Somehow, the Avaya project materials went a different route once they entered your system. The text of the letters will attest to our mounting frustration with your form receiving and processing.
- *There has been no SPIN change request filed by the given deadline of January 31, 2001*
 - In a telephone conversation with one of your representatives in late summer of 2000, we were told no SPIN change was needed for projects submitted for Lucent and completed by Expanets/Avaya.
 - We were assured by representatives of Expanets and Avaya that information received from your representative was correct and they would handle the billing with the SLD through protocols that would ensure continued funding of the project.

Enclosures: October 4, 2000 cover letter
 January 25, 2001 cover letter
 April 10, 2001 cover letters (2)
 Lucent/Expanets/Avaya 486 Form

This funding request required a BEAR Form which was completed in July, 2000 following the end of our fiscal year.

- We submitted, in July 2000, a copy of the form directly to the SLD, even though it did not have a Bell Atlantic signature, just to place it on your records in some way.
- We submitted the original form to Bell Atlantic for their signature and subsequent forwarding to the SLD.
- We received from your organization the standard, and expected, letter telling us the copy we sent to you did not contain the required Bell Atlantic signature.
- We've heard nothing since indicating a problem with the submission. While we also have not received a reimbursement check, it had come late in the previous year as well, without any intervening communication, and its timing caused us no concern.
- We submitted the forms to Bell Atlantic – New Jersey at just the time they were experiencing a strike and completing a merger with GTE to become Verizon. Possibly that should have caused us some concern.
- Other than the completed BEAR form, I have no further documentation on this.

Because your organization does not appear to have a record of the 486 Form for the Lucent/Expanets/Avaya project, we have enclosed yet another copy of it here. Because you did acknowledge receipt of the BEAR Form for the Bell Atlantic – New Jersey funding request, we have not enclosed another copy.

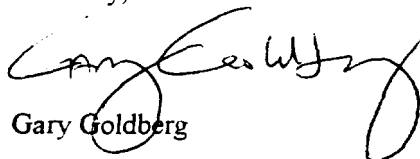
A further note, although ALL of our documents and correspondence regarding these issues, contain the following contact information:

Gary Goldberg, Director of Curriculum & Instruction
Salem City School District
51 New Market Street
Salem, New Jersey 08079
T: 856.935.3800 x216
F: 856.935.6977
E-mail: goldberg@salemnj.org

your organization continues to insist on addressing all of your correspondence to Margaret McBride, ignoring subsequent forms and even a proactive and overt request of you to make the change. I have no idea if any correspondence from you has missed me altogether because of your addressing problems. Please consider the confidence it instills when we see even changes in contact information are not processed.

We hope to hear from your organization soon on each appeal.

Sincerely,


Gary Goldberg



Salem City School District

51 New Market Street
Salem, New Jersey 08079

Telephone 856-935-3800 Fax 856-935-6977

Richard R. Rhau
Superintendent

Margaret J. Nicolosi
Business Administrator/Board Secretary

Gary Goldberg
Director of Curriculum & Instruction
Margaret M. McBride
Director of Programs & Projects

RECEIVED
OCT 18 2001
FCC MAIL ROOM

October 4, 2000

System Administrator
Schools & Libraries Division
P.O. Box 7026
Lawrence, Kansas 66044

Dear Sirs:

Please find enclosed a completed 486 form for FRN 146430 involving a project targeted for Lucent Technologies. Since Lucent transformed into Expanets and Avaya, it is those companies who actually completed the work just last week.

I understand no SPIN change need be completed since Expanets and Avaya are the offspring of Lucent Technologies.

If there is anything further you need in this regard, please let me know.

Sincerely,

Gary Goldberg